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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,111	07/31/2006	Mario Cellini	2006_1064A	4358
513 7590 09/24/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER MEISLIN, DEBRA S	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,111

Applicant(s)

CELLINI, MARIO

Examiner

D S. Meislin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/1/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-23 and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brucart Puig et al (6116116).

Brucart Puig et al discloses a spring "9" and slots "12".

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brucart Puig et al (6116116) in view of Cellini (4584911).

Brucart Puig et al discloses all of the claimed subject matter except for having the slot in the handgrip and the stud on the arm. It would have been obvious to one having ordinary skill in the art to form the device of Brucart Puig et al with the slot in the handgrip and the stud on the arm as such would have been an obvious reversal of parts as taught by Cellini.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brucart Puig et al (6116116) in view of Dejoux et al (4437359).

Brucart Puig et al discloses all of the claimed subject matter except for having second abutting members. Dejoux et al discloses first and second abutting members.

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It would have been obvious to one having ordinary skill in the art to form the device of Brucart Puig et al with second abutting members to reduce the effort in cork extraction as taught by Dejoux et al.

6. Claims 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brucart Puig et al (6116116) in view of Cellini (5887305).

Brucart Puig et al discloses all of the claimed subject matter except for having a cutting arrangement including a stationary portion, a displaceable support portion, cavities, a recess, and wheel shaped cutting members. Cellini discloses a corkscrew having a cutting arrangement including a stationary portion, a displaceable support portion, cavities, a recess, and wheel shaped cutting members. It would have been obvious to one having ordinary skill in the art to form the device of Brucart Puig et al with a cutting arrangement including a stationary portion, a displaceable support portion, cavities, a recess, and wheel shaped cutting members to allow for the seal on the bottle to be cut as taught by Cellini.

7. Claims 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellini (4584911) or Del Mistro (5454282) in view of Brucart Puig et al (6116116).

Cellini or Del Mistro disclose all of the claimed subject matter except for having a spring. Brucart Puig et al discloses a spring "9", see col. 2, lines 32-37. It would have been obvious to one having ordinary skill in the art to form the device of Cellini or Del Mistro with a spring to maintain the arms in position and to apply a pressure to the helical puller as taught by Brucart Puig et al.

With respect to claim 25, Brucart Puig et al discloses a slot in the arm and the stud on the handgrip. It would have been obvious to one having ordinary skill in the art to form the device of Cellini or Del Mistro with the slot in the arm and the stud on the handgrip as such would have been an obvious reversal of parts as taught by Brucart Puig et al.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cellini (4584911) or Del Mistro (5454282) in view of Brucart Puig et al (6116116) as applied above, in further view of Dejoux et al (4437359).

Dejoux et al discloses first and second abutting members. It would have been obvious to one having ordinary skill in the art to form the device of Cellini or Del Mistro with second abutting members to reduce the effort in cork extraction as taught by Dejoux et al.

9. Claims 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellini (4584911) or Del Mistro (5454282) in view of Brucart Puig et al (6116116) as applied above, in further view of Cellini (5887305).

Cellini ('305) discloses a corkscrew having a cutting arrangement including a stationary portion, a displaceable support portion, cavities, a recess, and wheel shaped cutting members. It would have been obvious to one having ordinary skill in the art to form the device of Cellini ('911) or Del Mistro with a cutting arrangement including a stationary portion, a displaceable support portion, cavities, a recess, and wheel shaped cutting members to allow for the seal on the bottle to be cut as taught by Cellini ('305).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Meislin whose telephone number is 571 272-4487.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached at 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800 786-9199 (IN USA OR CANADA) or 571 272-1000.

/D. S. Meislin/
Primary Examiner
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September 19, 2007